

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Craig M. Janik
Title: SYSTEM FOR PROVIDING CONTENT,
MANAGEMENT, AND INTERACTIVITY
FOR THIN CLIENT DEVICES
Appl. No.: 10/775,285
Filing Date: 2/9/2004
Examiner: Ramy M. Osman
Art Unit: 2457
Confirmation Number: 1139

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 816 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay:	1118 days
(b) Total Applicant delay:	302 days
Final PTA Determination under 37 CFR §1.703(f): 816 days	

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

The above discrepancy occurs as a result of the PTO's failure to include 244 days of additional PTA accumulated in applicant's favor based on the provisions of 37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1), wherein PTA begins to accumulate in applicant's favor on the day after the commencement of three years from the filing date. Therefore, the 244-day discrepancy falls under the 3 year rule.

A Request for Continued Examination was filed in the application prior to allowance, and Patent Term Adjustment accordingly stopped accruing under 37 C.F.R. §1.703(b) on 4/10/2008. This PTA component was accordingly "ripe" at the time of allowance and accordingly could have been incorporated into the PTO's determination of PTA.

37 C.F.R. §1.705(d) states that "Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues." As the above-identified issue could arguably be raised under paragraph (b), the applicant is filing this request for reconsideration under an abundance of caution, in the knowledge that the PTO does not include patent term adjustment resulting from 37 C.F.R. §1.703(b) in its PTA calculations at allowance, even if PTA has stopped accruing due to the filing of an RCE.

In accordance with §1.705(b)(2)(iv)(A), the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704 are clearly represented in the attached PTA Calculation.

Applicants therefore respectfully request that the patent be accorded 816 days PTA.

Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date February 24, 2011

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By 

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Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 088245-8261

Application Number: 10/775285

Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	02/09/2004	0		
Edit Delete	Notice to File Missing Parts	05/07/2004	88		
	Notice to File Missing Parts + 3 months	08/07/2004	180		
Edit Delete	Response to Notice to File Missing Parts	08/12/2004	185		5
	14 month From Application date	04/09/2005	425		
	3 Year Period Starts	02/09/2007	1,096		
Edit Delete	Non-Final Office Action	08/09/2007	1,277	(852)	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	09/24/2007	1,323		
Edit Delete	Final Office Action	12/11/2007	1,401		
Edit Delete	Final Office Action Response Received at PTO	02/05/2008	1,457		
	Final Office Action + 3 months	03/11/2008	1,492		
Edit Delete	Advisory Action	04/03/2008	1,515		
	3 Year Period Stopped	04/09/2008	1,521	(425) 1096	
Edit Delete	Request For Continued Examination (including amendment)	04/10/2008	1,522		30
Edit Delete	Non-Final Office Action	07/09/2008	1,612		
	Non-Final Office Action + 3 months	10/09/2008	1,704		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	01/08/2009	1,795		91
Edit Delete	Non-Final Office Action	04/15/2009	1,892		
Edit Delete	Non-Final Office Action	04/15/2009	1,892		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	07/09/2009	1,977		
Edit Delete	IDS under 1.704(c)(8) filed at PTO	10/16/2009	2,076		99
	Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo	11/09/2009	2,100		
Edit Delete	Non-Final Office Action	12/01/2009	2,122	22	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	02/19/2010	2,202		
Edit Delete	Non-Final Office Action	05/25/2010	2,297		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	08/18/2010	2,382		

Edit Delete	IDS under 1.704(c)(8) filed at PTO	11/03/2010	2,459	77
Edit Delete	Notice of Allowance	12/10/2010	2,496	
	Projected Patent Grant Date	06/21/2011	2,689	
			Totals:	1,118 302
			PTA:	816

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Version: 3.02.10

LOGIN: Linda Anderson

IP: 10.24.4.21

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